



IFWD AC/10

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

BOX: DAC

Yasuhiro OMURA

Group Art Unit: 2872

Application No.: 10/762,546

Examiner: M. Sikder

Filed: January 23, 2004

Docket No.: 105202.06

For: PROJECTION EXPOSURE APPARATUS

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY UNDER 37 C.F.R. §1.55(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests the Patent Office to accept the following delayed Claim for Priority. In particular, Applicant hereby claims the benefit of the filing date of the following prior foreign application filed in the following foreign country, and the priority provided in 35 U.S.C. §119 is hereby claimed:

Application No. 11-173775 filed in Japan on June 21, 1999.

In support of this claim, Applicant will file a certified copy of the original foreign application in the near future. In addition, Applicant will submit an executed updated Declaration/Power of Attorney in which the above-identified foreign application is identified.

In accordance with 37 C.F.R. §1.55(c)(2), Applicant submits the attached check no. 154821 in the amount of \$1,330 in order to cover the surcharge set forth in 37 C.F.R.

§1.17(t).

In addition, in accordance with 37 C.F.R. §1.55(c)(3), it is hereby stated that the entire delay between the date when the Claim for Priority was due under 37 C.F.R. §1.55(a)(1) and the date of this Claim for Priority was unintentional. In particular, this application claims priority, through a series of Rule 53(b) continuing applications, back to U.S. Application No. 09/377,010 filed August 18, 1999. U.S. application No. 09/377,010 was being prepared for filing during the same time frame when Japanese Application No. 11-173775 was being prepared for filing in Japan. Japanese Application No. 11-173775 claims domestic (Japanese) priority to Japanese Application No. 10-231531, to which U.S. Application No. 09/377,010 (along with the present application and all applications in this application's family) claims priority. When the initial instructions to prepare U.S. Application No. 09/377,010 were provided to Applicant's U.S. attorneys, Japanese Application No. 11-173775 had not yet been filed, and thus information about that Japanese application was not provided to Applicant's U.S. attorneys. Applicant mistakenly believed that Applicant had provided its U.S. attorneys with instructions to claim priority from Japanese Application No. 11-173775 in addition to Japanese Application No. 10-231531. Accordingly, U.S. Application No. 09/377,010 was filed only claiming priority from Japanese Application No. 10-231531.

It was not until some time after U.S. Patent No. 6,646,797 (which is the grandparent of the present application) issued that Applicant discovered that priority had not been claimed from Japanese Application No. 11-173775. Applicant initially believed that the absence of Japanese Application No. 11-173775 from the cover of the 797 patent was due to the PTO, and that a Certificate of Correction was needed. However, after further investigation, it was determined that Applicant never informed Applicant's U.S. attorneys that priority should be claimed from Japanese Application No. 11-173775.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if anything further is desired by the Patent Office.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: June 8, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
